



February 1, 2019

**VIA ECF**

The Hon. J. Paul Oetken  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

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Re: United States v. Middendorf et al., 18-cr-36 (JPO)

Dear Judge Oetken:

We write on behalf of Defendant David Britt to inform the Court that Mr. Britt plans to waive his appearance at the Final Pretrial Conference scheduled in the above-captioned matter for today, February 1, 2019 at 2:30 p.m.

Sincerely,

/s/ Robert M. Stern  
Robert M. Stern  
Melinda Haag  
(admitted *pro hac vice*)  
ORRICK, HERRINGTON  
& SUTCLIFFE LLP

-and-

Rita M. Glavin  
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*Attorneys for David Britt*

cc: Counsel of Record (via ECF)